

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID BROWN,

Plaintiff,

Case No. 21-cv-11565
Hon. Matthew F. Leitman

v.

DR. DONALD HAIDERER, *et al.*,

Defendant.

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 45) AND (2) GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 25)**

In this action, *pro se* Plaintiff David Brown alleges that the Defendants violated his First and Eighth Amendment rights, the Americans with Disability Act, 42 U.S.C. §§ 12101 *et seq.*, and the Rehabilitation Act, 29 U.S.C. § 794 *et seq.* (*See* Compl., ECF No. 1.) Brown's claims arise out medical care that he received while he was in the custody of the Michigan Department of Corrections. (*See id.*)

On December 2, 2021, Defendants Rickey Coleman and Laura Brown moved for summary judgment on the basis that Brown failed to exhaust his claims against them prior to filing this action. (*See* Mot., ECF No. 25.) The motion was referred to the assigned Magistrate Judge, and on May 17, 2022, the Magistrate Judge recommended that the Court grant Defendants' motion and dismiss Brown's claims against Coleman and Laura Brown without prejudice (the "R&R"). (*See* R&R, ECF

No. 45.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.269-270.)

Brown has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Brown has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Defendants' motion is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Defendants' motion for summary judgment (ECF No. 25) is **GRANTED** and (2) Brown's claims against Defendants Coleman and Laura Brown are **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 1, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 1, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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